

## APPENDICES

### APPENDIX A

Page 1 of 2 pages

Notice  
of Rulemaking Hearing  
Department of Environment and Conservation  
Division of Air Pollution Control

The Tennessee Air Pollution Control Board will hold a public hearing to receive comments concerning amendments to the State Implementation Plan pursuant to T.C.A. §68-201-105. This hearing will be conducted as prescribed by Uniform Administrative Procedures Act T.C.A. §4-5-201 et. seq., and will take place in the 9th Floor Conference Room at the L & C Annex, 401 Church Street, Nashville, TN 37243-1531 at 9:30 A.M. CDT on October 19, 1994.

Written comments will be considered if received by close of business, October 19, 1994, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to (October 19, 1991) or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298)

For complete copies of the text of the notice, please contact Malcolm Butler, Department of Environment and Conservation, 11th Floor, L & C Tower, 401 church Street. Nashville, TN 37243, telephone 615-532-0600.

#### Substance of Proposed Rules

##### Chapter 1200-3-27 Nitrogen Oxides

Paragraph (6) of rule 1200-3-27-.02 General Provisions and Applicability is amended by adding to the end of the first sentence the words "and VOC emissions.", so that as amended the paragraph shall read:

- (6) The owner or operator of any facility in Davidson, Rutherford, Shelby, Sumner, Williamson, or Wilson County which has actual emissions from stationary sources of 25 tons or more nitrogen oxides during a calendar year shall report to the Technical Secretary information and data concerning these emissions and VOC emissions. This information and data shall be in the form prescribed by the Technical Secretary, and shall be submitted before March 31 of the year following the calendar year for which the information and data is reported. The first report shall be for the 1993 calendar year, and shall be submitted before March 31, 1994. Each report shall be certified by an official of the company. Records must be kept by the facility, and maintained for a period of 3 years, documenting the information and data in each report.

Authority: T.C.A. §§68-25-105 and 4-5-201 et. seq.

(Appendix A, continued)

Page 2 of 2 pages.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Environment and Conservation.

\_\_\_\_\_  
John W. Walton  
Technical Secretary  
Air Pollution Control Board

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

The notice of rulemaking set out herein was properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Riley C. Darnell  
Secretary of State

By: \_\_\_\_\_

The following are examples of the four types of rule filings (rulemaking hearing rules, proposed rules, emergency rules, and public necessity rules.) These rules, which are actual rules that have been filed in the Department of State, should be used as examples only.

## **APPENDIX B**

Page 1 of 3 pages.

### **Rulemaking Hearing Rules of the Board of Accountancy**

#### **Chapter 0020-5 Educational and Experience Requirements**

##### **New Rules**

##### **Table of Contents**

0020-5-.01 Education

0020-5-.02 Experience

0020-5-.01 Education

- (1) C.P.A. Candidates. For the purposes of T.C.A. §62-1-108(c), a baccalaureate degree with a non-accounting major will be deemed to be substantially equivalent to a baccalaureate degree with a major in accounting if the holder of such degree has earned at a recognized college or university which awards a baccalaureate degree with a major in accounting.
  - (a) a minimum of 24 semester hour credits (or 36 quarter hour credits) in one or more of the following accounting subjects:
    1. Principles of Accounting.
    2. Financial Accounting:
      - (i) financial reporting theory;
      - (ii) applied financial accounting problems;
      - (iii) contemporary financial accounting issues.
    3. Cost Accounting:
      - (i) cost determination and analysis;
      - (ii) cost control;
      - (iii) cost-based decision-making.
    4. Taxes:
      - (i) tax theory and consideration;
      - (ii) tax problems.

(Appendix B, continued)

Page 2 of 3 pages.

5. Auditing:
- (i) audit theory and philosophy;
  - (ii) audit problems.

Authority: T.C.A. §62-1-111(a)(10).

Legal Contact and/or party who will approve final copy: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact for disk acquisition: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

\_\_\_\_\_  
 Thad Watkins  
 Staff Attorney  
 Department of Insurance

The roll-call vote by the (Department or Agency) on these rulemaking hearing rules was as follows:

	Aye	No	Abstain
Vicki W. Dunn	<u>X</u>	—	—
Herbert W. Hoover	<u>X</u>	—	—
James S. Lattimore, Jr	—	—	<u>X</u>
Frank E. Outhier	<u>X</u>	—	—

(Appendix B, continued)

Page 3 of 3 pages.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the (Department or Agency) on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Further, I certify that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ and such notice of rulemaking hearing having been published in the \_\_\_\_\_, 19 \_\_\_\_, issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Thad Watkins  
Staff Attorney  
Department of Insurance

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Charles Burson  
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ and will become effective on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Riley C. Darnell  
Secretary of State

By: \_\_\_\_\_

**APPENDIX C**

Page 1 of 3 pages.

Proposed Rules  
of the  
Department of Environment and Conservation  
Division of Construction Grants and Loans

Chapter 1200-22-7  
Utility Management Review Board

Presented herein are proposed amendments of the Utility Management Review Board, Department of Environment and Conservation submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Utility Management Review Board, Department of Environment and Conservation to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Environment and Conservation, 8th Floor, L&C Tower, 401 Church Street, Nashville, Tennessee 37243-1533, and in the Department of State, 8<sup>th</sup> Floor, Tennessee Tower, William Snodgrass Building, 312 8<sup>th</sup> Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Ron C. Taylor, Director Division of Construction Grants and Loans, Department of Environment and Conservation, 18th Fl., L&C Tower, 615-532-0987.

The text of the proposed amendments as follows:

Amendments

Rule 1200-22-7-.01 Introduction is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1200-22-7-.01 Introduction

- (1) The purpose of the creation of the Utility Management Review Board (amending Tennessee Code Annotated Title 7, Chapter 82) is advising utility district boards of commissioners in the area of utility management. This Board, provided for within the Department of Environment and Conservation by Executive Order, determines and ensures the financial integrity of certain facilities by effecting adequate user rates or system efficiencies, including negotiated consolidations of certain facilities. In carrying out the provisions of this part, the Board shall be deemed to be acting for the public welfare and in furtherance of the legislature's intent that utility districts be operated as self-sufficient enterprises.

Authority: T.C.A. §§4-5-202, 7-82-701 through 7-82-708 and Executive Order Number 21 (dated June 28, 1988).

Subparagraph (c) of paragraph (1) of rule 1200-22-7-.02 Definitions is amended by deleting the current language in its entirety and submitting the following language so that as amended the subparagraph shall read:

(Appendix C, continued)

Page 2 of 3 pages.

- (c) "Commissioner" means the Commissioner of the Department of Environment and Conservation, or its successor in interest, or his designee.

Authority: T.C.A. §§4-5-202, 7-82-701 through 7-82-708 and Executive Order Number 21 (dated June 28, 1988).

Part 1. of subparagraph (c) of paragraph (1) of rule 1200-22-7.03 Utility Management Review Board: Composition, Conflict of Interest is amended by deleting the current language in its entirety and substituting the following language so that as amended the part shall read:

1. Five (5) Board members shall constitute a quorum and a majority of those present and voting shall be required for a determination by the Board.

Authority: T.C.A. §§4-5-202, 7-82-701 through 7-82-708.

Legal Contact and/or party who will approve final copy: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Contact for disk acquisition: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

\_\_\_\_\_  
Ron C. Taylor, Director  
Division of Construction Grants and Loans

The roll-call vote by the (Department or Agency) on these rulemaking hearing rules was as follows:

	Aye	No	Absent
Bob Jones	<u>X</u>	___	___
Tom Kinnie	<u>X</u>	___	___
Serena Henson	___	___	<u>X</u>

(Appendix C, continued)

Page 3 of 4 pages.

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (Department or Agency) on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Bob Jones  
Chairman,  
Tennessee Utility Management Review Board

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

\_\_\_\_\_  
Ron C. Taylor, Director  
Division of Construction Grants and Loans

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Charles Burson  
Attorney General and Reporter

The proposed rules set out herein were properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Riley C. Darnell  
Secretary of State

By: \_\_\_\_\_ (Signature)



**APPENDIX D**

Page 1 of 3 pages.

Emergency Rules  
of the  
Department of State - 1360  
Division of Elections

Chapter 1360-2-16  
Procedures for Preparing Lists of Those Individuals Who Vote Early

Statement of Necessity Requiring Emergency Rules

Pursuant to T.C.A. §4-5-208. I am promulgating emergency rules covering procedures for the printing of lists of those individuals voting during the early voting period. The emergency rules are necessary because of Chapter 859 of the Public Acts of 1994.

I have made a finding that there is an emergency creating a danger to the public welfare in that there will not be a set of procedures requiring the individual county election commissions, absent an emergency rule, to maintain a daily list of those participating in early voting, until permanent rules are promulgated by the Coordinator of Elections as required by said Chapter of the Public Acts of 1994. Therefore, unless emergency rules establishing procedures requiring this record-keeping process are adopted, there would be no state regulations regarding this security measure. The lack of such guidelines would be injurious to the security of the ballot and the ease of operation of the upcoming elections in Tennessee.

For copies of the entire text of the proposed amendments, contact: Roger Shaver, Administrative Assistant, Division of Elections, Department of State, 5th Fl., James K. Polk Bldg., 615-741-5659.

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Will Burns  
Coordinator of Elections  
State of Tennessee

Chapter 1360-2-16  
Procedures for Preparing Lists of Those Individuals Who Vote Early

Table of Contents

1360-2-16-.01	Adoption and Promulgation
1360-2-16-.02	Intent of Regulations
1360-2-16-.03	Preparation of Lists of Early Voters
1360-2-16-.04	Submission Newspapers
1360-2-16-.05	Availability of Lists to Candidates

1360-2-16-.01 Adoption and Promulgation.

- (1) The following rules and regulations for compiling lists of voters who vote early are adopted and promulgated by the Coordinator of Elections of the State of Tennessee and approved by the Tennessee Secretary of State under the authority of *T.C.A. § 2-11-201(c)*.

1360-2-16-.02 Intent of Regulations.

- (1) It is the intent of these regulations to provide procedures by which county election commissions will supplement statutory requirements to compile lists of individuals who participate in early voting to help insure that the integrity of the early voting process is above reproach in both perception and in fact.

(Appendix D, continued)

Page 2 of 3 pages.

## 1360-2-16-.03 Preparation of Lists of Early Voters.

- (1) Each county election commission shall prepare, for each day of the early voting period, a list of all persons who voted on the previous day. This list shall include ballots received by mail during the previous day.

## 1360-2-16-.04 Submission to Newspapers.

- (1) The list described in 1360-2-16-.03 shall be provided to a newspaper of general circulation as that term is defined at T.C.A. §2-1-104(a)(12) so that the paper may publish the information if it so chooses. The list shall also be provided to any other publication requesting it.

## 1360-2-16-.05 Availability of Lists to Candidates.

- (1) Under open records laws of the State of Tennessee these lists are open for inspection to any citizen of the state. In addition, if requested by a person who is a candidate in the election in which early voting is being conducted, a copy of the list shall be mailed to that candidate on a daily basis at an address he or she provides to the county election commission. The county election commission may charge a reasonable cost for production of this list not to exceed the cost of producing the list.

Authority: T. C. A. §2-11-201(c).

Legal Contact and/or party who will approve final copy: \_\_\_\_\_ (Name) \_\_\_\_\_  
\_\_\_\_\_(Address) \_\_\_\_\_  
\_\_\_\_\_(Telephone) \_\_\_\_\_

Contact for disk acquisition: \_\_\_\_\_ (Name) \_\_\_\_\_  
\_\_\_\_\_(Address) \_\_\_\_\_  
\_\_\_\_\_(Telephone) \_\_\_\_\_

I certify that this is an accurate and complete copy of emergency rules lawfully promulgated and adopted by the (department or agency) on the \_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Riley C. Darnell  
Secretary of State

(Appendix D, continued)

Page 3 of 3 pages.

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
( Notary Public )

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Charles Burson  
Attorney General and Reporter

The emergency rules set out herein were properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and will be effective from the date of filing for a period of \_\_\_\_days. These emergency rules will remain in effect through the day of \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Riley C. Darnell  
Secretary of State

By:\_\_\_\_\_

**APPENDIX E**

Page 1 of 3 pages.

Public Necessity Rules  
of the  
Department of Human Services  
Child Support Services Division

Statement of Necessity Requiring Public Necessity Rules

Pursuant to federal regulations and Public Chapter 987 (1994) certain changes are required to be made to state law regarding Income Assignment. Specifically, changes to *T.C.A. §36-5-501* requires an employer to allocate income amounts so that all families receive a share of the obligor's income. This change requires that the Income Assignment forms must be altered to reflect this change. The Legislature mandated that the Department of Human Services shall have authority to establish rules, forms, and any necessary standards and procedures to implement income assignments, and shall, notwithstanding the provisions of *T.C.A. §36-5-502*, implement such forms and rules by public necessity rules to be effective July 1, 1994.

For complete copies of the text of the notice, please contact William Russell, Department of Human Services, 15th Floor, Citizen's Plaza, 400 Deaderick Street, Nashville, TN 37243, telephone 615-532-0600.

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Robert A. Grunow,  
Commissioner  
TN Department  
of Human Services

Public Necessity Rules  
of the  
Department of Human Services  
Child Support Services Division

Chapter 1240-2-2  
Forms for Income Assignments

Repeals

Chapter 1240-2-2 Forms for Income Assignments is repealed in its entirety.

Authority: *T.C.A. §§71-1-105(12), 71-3-501 et seq.*

(Appendix E, continued)

Page 2 of 3 pages.

Legal Contact and/or party who will approve final copy: \_\_\_\_\_(Name)\_\_\_\_\_

\_\_\_\_\_(Address)\_\_\_\_\_

\_\_\_\_\_(Telephone)\_\_\_\_\_

Contact for disk acquisition: \_\_\_\_\_(Name)\_\_\_\_\_

\_\_\_\_\_(Address)\_\_\_\_\_

\_\_\_\_\_(Telephone)\_\_\_\_\_

I certify that this is an accurate and complete copy of public necessity rules lawfully promulgated and adopted by the (department or agency) on the \_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
William Russell  
General Counsel  
Department of Human Services

Subscribed and sworn to before me this the \_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
( Notary Public )

My commission expires on the \_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

All public necessity rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Charles Burson  
Attorney General and Reporter

(Appendix E, continued)

Page 3 of 3 pages.

The public necessity rules set out herein were properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and will be effective from the date of filing for a period of \_\_\_\_ days. These emergency rules will remain in effect through the day of \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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Riley C. Darnell  
Secretary of State

By: \_\_\_\_\_